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WIRELINE COMPETITION BUREAU APPROVES PLAN TO REFUND INTERSTATE ACCESS CUSTOMERS OF BELL ATLANTIC FOR 1994 TARIFF PERIOD

CC Docket Nos. 93-193 and 94-65

On July 30, 2004, the Commission released the *Add-Back Tariff Investigation Order*, concluding its investigation of the 1993 and 1994 interstate access tariffs of price cap local exchange carriers (LECs) that implemented a sharing or lower formula adjustment.¹ The Commission found unjust and unreasonable the 1993 annual access tariffs of price cap LECs that implemented a sharing or lower formula adjustment in their 1992 Price Cap Indexes (PCIs) and that failed to apply add-back in computing their 1992 earnings and rates of return and resulting 1993 PCIs.² The Commission made the same findings for the 1994 interstate access tariffs of price cap LECs that implemented a sharing or lower formula adjustment in their 1993 PCIs.³ Finally, the Commission ordered affected price cap LECs to: (1) recalculate their 1992 and 1993 earnings and rates of return, making an add-back adjustment; (2) determine the appropriate sharing or lower formula adjustment to their PCIs for the subsequent tariff year; (3) compute the amount of any resulting access rate decrease; and (4) submit a plan for refunding the amounts owed to customers plus interest as a result of any such rate decrease.⁴

The Wireline Competition Bureau (Bureau) disapproved the original refund plan filed by the Verizon Telephone Companies (Verizon) on behalf of certain Bell Atlantic and GTE incumbent LECs.⁵ Verizon filed a Modified Refund Plan.⁶ The Bureau approved Verizon's Modified Refund Plan in the *Supplemental Add-Back Refund Order*, and directed Verizon to make refunds as further specified in that

¹ 1993 *Annual Access Tariff Filings*, CC Docket No. 93-193, 1994 *Annual Access Tariff Filings*, CC Docket No. 94-65, Order, 19 FCC Rcd 14949 (2004) (*Add-Back Tariff Investigation Order*).

² *Id.* at para. 1.

³ *Id.*

⁴ *Id.* at 14961, para. 29.

⁵ 1993 *Annual Access Tariff Filings*, CC Docket No. 93-193, 1994 *Annual Access Tariff Filings*, CC Docket No. 94-65, Order, 20 FCC Rcd 6077, 6084, 6089, paras. 13, 26 (WCB 2005) (*Add-Back Refund Order*); *see also* Verizon Refund Plan, CC Docket Nos. 93-193, 94-65 (filed Aug. 30, 2004); Verizon Refund Plan Errata, CC Docket Nos. 93-193, 94-65 (filed Sept. 10, 2004).

⁶ Verizon Modified Refund Plan, CC Docket Nos. 93-193, 94-65 (filed April 18, 2005).

order and the *Add-Back Refund Order*.⁷ Pursuant to Verizon's Modified Refund Plan, refunds are due to interstate access customers of the Bell Atlantic incumbent LECs (the Bell Atlantic LECs) for the 1994 tariff period.⁸ In the *Add-Back Refund Order*, the Bureau recognized that, due to factors such as bankruptcy, changes in ownership, or simple passage of time, some customers of the Bell Atlantic LECs may no longer be readily identifiable.⁹ Further, the Bureau did not require Verizon to identify and notify customers that may be due refunds of less than \$100. Customers that Verizon cannot identify and customers due refunds of less than \$100 may, however, obtain refunds through the following procedure, as specified in the *Add-Back Refund Order*: For at least 60 days after this notice is published in the Federal Register, Verizon must post this notice on its company web sites that are most often consulted by its interstate access customers. Verizon must also provide an address to which former access customers may submit refund claims by a specified date that is at least 60 days after the refund notice is first posted.¹⁰

For further information, contact Margaret Dailey of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520.

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⁷ See 1993 Annual Access Tariff Filings, CC Docket No. 93-193, 1994 Annual Access Tariff Filings, CC Docket No. 94-65, Order, DA No. 05-2029, at paras. 5-6, 8 (WCB rel. July 15, 2005) (*Supplemental Add-Back Refund Order*).

⁸ See Verizon Modified Refund Plan at Attachment C. In 1994, the Bell Atlantic LECs consisted of Bell Atlantic - Delaware, Inc., Bell Atlantic - Maryland, Inc., Bell Atlantic - New Jersey, Inc., Bell Atlantic - Pennsylvania, Inc., Bell Atlantic - Virginia, Inc., Bell Atlantic - Washington, D.C., Inc., and Bell Atlantic - West Virginia, Inc. Bell Atlantic filed a single interstate access tariff for these LECs in 1994.

⁹ See *Add-Back Refund Order*, 20 FCC Rcd at 6087-88, paras. 21-22.

¹⁰ *Id.* at 6088, para. 22.